

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gudermann et al.

Art Unit: Not Yet Assigned

Application No: 10/596,746

Examiner: Not Yet Assigned

Confirmation No: 1040

Filed: June 22, 2006

Atty. Docket No: 37998-237472

Customer No:

For: **METHOD AND DEVICE FOR
RECORDING MICRSCOPIC IMAGES**

26694
PATENT TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

Documents AA, AB, BA, CA and CB were cited in an International Search Report issued in the parent PCT application. A copy of the International Search Report is attached. Copies of the documents AA, AB, BA, CA and CB are not being provided since copies are furnished directly by WIPO under an exchange program between the PTO, the EPO and the JPO. If a copy of a cited document is desired, please inform the undersigned and a copy of the missing document will be supplied.

Documents AC – AE and BB – BE were cited in a German Search Report. A copy of the Germany Search Report is attached along with copies of the document BB – BE. An English-language abstract is attached to documents BC and BD. A partial translation of the German Search Report is also attached.

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

A concise explanation of relevance of the items listed on form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 37998-237472. A duplicate copy of this paper is enclosed.

Dated: April 16, 2007

Respectfully submitted,

By Kavita B. Lepping
Kavita B. Lepping
Registration No.: 54,262
VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998
(202) 344-4000
(202) 344-8300 (Fax)
Attorney/Agent For Applicant

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p>Substitute for form 1449/PTO</p> <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;"><i>(Use as many sheets as necessary)</i></p>				<i>Complete if Known</i>	
				Application Number	10/596,746-Conf. #1040
				Filing Date	June 22, 2006
				First Named Inventor	Frank T. Gudermann
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	37998-237472

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (<i>if known</i>)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
AA*	US-2003/092058	05-15-2003	Spaulding		
AB*	US-6,319,468 B1	11-20-2001	Sheppard et al.		
AC	6,141,624 A	10-31-2000	Kasdan et al.		
AD	5,889,881	03-30-1999	MacAulay et al.		
AE	US-2003/0184730 A1	10-02-2003	Price		

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (<i>if known</i>)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
BA	WO-02/04924 A	01-17-2002	Innovatis GmbH		
BB	WO-95/23348	08-31-1995	Massachusetts Institute of Technology		
BC	DE-41 16 313 C2	11-19-1992			
BD	DE-42 11 904 C2	11-19-1992			
BE	EP-1 329 706 A1	07-23-2003	Becton, Dickinson and Company		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with a single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
	CA	Brinkman, Marlies et al., "New technologies for automated cell counting based on optical image analysis 'The Cellscreen', " <i>Cytotechnology</i> , vol. 38, no. 1-3, 2002, pgs. 119-127			
	CB	Yang, J. et al., "Cell Separation on Microfabricated Electrodes using Dielectrophoretic/Gravitational Field-Flow Fractionation," <i>Analytical Chemistry</i> , American Chemical Society, vol. 71, no. 5, March 1, 1999, pgs. 911-918			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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